

REMARKS

By the present amendment, independent claims 1 and 9 have been amended to obviate the examiner's objections thereto and/or to further clarify the concepts of the present invention. Among other things, claim 9 has been amended by incorporating the subject matter of claim 10 therein and claim 10 has been canceled. Support for the amendments to claims 1 and 9 may be found on lines 1-3 of page five of the subject specification. Entry of these amendments is respectfully requested.

In the Action, claims 1, 3 and 6 again were rejected under 35 USC § 102(b) as being anticipated by the previously applied patent to Tugukuni et al. In making this rejection, it was asserted that the cited patent teaches a composition having the recited molecular weight which is obtained from polymerizing (1) methyl methacrylate and (4) a (meth)acrylate having an oxygen atom in addition to an ester bond in conjunction with and (2) t-butyl peroxide as a polymerization initiator. In so doing, the copolymer as obtained in Example 8 of the Tugukuni et al patent was specifically relied upon. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

Initially, it is to be noted that the presently claimed invention relates to "processing aid for thermoplastic resin." On the other hand, the Tugukuni et al patent relates to "powdery coating composition." As is apparent, the latter is distinctly different from "processing aid for thermoplastic resin" of the present invention, and thus the technical fields and problems to be solved of the composition according to the Tugukuni et al patent are thoroughly different from those of the presently claimed invention.

As mentioned above, it was asserted in the Action that the copolymer obtained in Example 8 of the Tugukuni et al patent satisfies the compounding ratio of claim 1. In Example 8 of the Tugukuni et al patent, 10% by weight of glycidyl methacrylate (GMA) is compounded. Claim 1 has been amended herein to distinguish over the teachings of the Tugukuni et al patent. In particular, the compounding ratio of (meth)acrylate having an oxygen atom in addition to an ester bond as recited in claim 1 has been amended to "0.1 to 5% by weight" in the monomers in total.

It is submitted that this distinction over the teachings of the Tugukuni et al patent is significant. In this regard, attention is directed to the attached Declaration Under 37 CFR 1.132 of Mr. Takenobu Sunagawa. The Declaration submitted herewith demonstrates that, when the compounding ratio of GMA was at most 5% by weight in the monomers in total in a processing aid, the obtained resin composition had an excellent roll peeling property as compared with a resin composition wherein the compounding ration of GMA was more than 5% by weight. Consequently, the processing aid for thermoplastic resin according to claim 1 has the effect of improving the roll peeling property of a resin composition for a processing aid wherein 0.1 to 5% by weight of (meth)acrylate having an oxygen atom in addition to an ester bond is compounded in the monomer in total.

Since, as was discussed above, the Tugukuni et al patent relates a technical field which is thoroughly different from the presently claimed invention, the Tugukuni et al patent does not possess the technical concept of improving the roll peeling property of resin composition. Additionally, the Tugukuni et al patent does not teach or suggest that the effect becomes significantly high when 0.1 to 5% by weight of (meth)acrylate having an oxygen atom in addition

to an ester bond is compounded in the monomer in total.

Furthermore, the processing aid of the present invention is prepared by emulsion polymerization and thus obtained polymer has a very small particle size. In distinct contrast, the copolymer obtained in Example 8 according to the Tugukuni et al patent is prepared by suspension polymerization and has relatively large particle size. Thus, the copolymer of the patent also differs from the polymer particles of the presently claimed invention in this significant respect.

For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of claims 1, 3 and 6 over the cited Tugukuni patent are respectfully requested.

Claim 9 was rejected under 35 USC § 102(b) as being anticipated by the newly cited patent to Schehlmann et al. In making this rejection, it was asserted that the cited patent teaches a composition which is formed from components which meet the recitations of claim 9 and which is obtained in the presence of a mercaptan having alkyl ester group with a C4-20 alkyl as a chain transfer agent. It was specifically noted that the chain transfer agent disclosed in the patent is the same as one disclosed on page six of the subject specification. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

As mentioned above, claim 9 has been amended by incorporating the subject matter of claim 10 therein. Thus, it is submitted that this rejection is moot. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of claim 9 as amended over the cited Schehlmann et al patent are respectfully requested.

Claims 9 and 10 were rejected under 35 USC § 102(e) as being anticipated by the newly cited patent to Harada et al. In making this rejection, it was asserted that the cited patent teaches a composition of an acrylic resin having an oxygen atom in addition to an ester bond having the recited molecular weight which is formed from components as claimed using a ethylhexyl thioglycolate as a chain transfer agent. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

Initially, it is submitted that the Harada et al patent has the same teaching deficiency as previously cited Tugukuni et al patent. That is, the Harada et al patent relates to "powder coating composition" which is distinctly different from "processing aid for thermoplastic resin" of the presently claimed invention. Consequently, the technical fields and problems to be solved thereof are thoroughly different from those of the present invention. Therefore, neither of these patents possess the technical concept of improving the roll peeling property of resin composition.

It further is submitted that the Harada et al patent does not teach or suggest the processing aid as now defined in independent claim 9 as amended herein. In this regard, it is to be noted that claim 9 recites that the compounding ratio of a (meth)acrylate containing an epoxy group is "0.1 to 5% by weight" in the monomers in total as amended claim 1.

More particularly, the cited Harada et al patent teaches that the composition contains 10 to 60% by weight of the epoxy group-containing vinyl monomers. As such, the lower end of the range is considerably above the upper end of the weight range of 5% for the claimed (meth)acrylate containing an epoxy group.

It is submitted that this difference is significant. In support thereof, attention is again directed to the accompanying Declaration and the significance of the roll peeling property as discussed previously. It is demonstrated therein that a thermoplastic resin composition containing the subject processing has an excellent peeling property from a metal surface at a high temperature. Further, the compositions according to the Harada et al patent do not intend to improve the peeling property from a metal surface at a high temperature and such an effect is not taught or suggested in the Harada et al patent.

For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of claim 9 as amended over the cited Harada et al patent are respectfully requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No.

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01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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Enclosure: Declaration of Mr. Takenobu Sunagawa